

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 16-CR-00643(RJD)

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-against- : United States Courthouse
: Brooklyn, New York
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:
ODEBRECHT S.A., : Monday, April 17, 2017
: 10:00 a.m.
:
Defendant. :
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TRANSCRIPT OF CRIMINAL CAUSE FOR SENTENCING
BEFORE THE HONORABLE RAYMOND J. DEARIE
UNITED STATES SENIOR DISTRICT JUDGE

A P P E A R A N C E S:

For the Government: BRIDGET M. ROHDE, ESQ.
Acting United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
BY: JULIA NESTOR, ESQ.
ALIXANDRA ELEIS SMITH, ESQ.
Assistant United States Attorneys

U.S. DEPARTMENT OF JUSTICE
Fraud Section
950 Constitution Ave., NW
Washington, DC 20530
BY: DAVID A. LAST, ESQ.
CHRISTOPHER J. CESTARO, ESQ.

A P P E A R A N C E S (Continued):

For the Defendant: QUINN EMANUEL, LLP
777 6th Street, NW
11th Floor
Washington, DC 20001
BY: WILLIAM A. BURCK, ESQ.
BY: ERIC LYTTLE, ESQ.
BY: DANIEL KOFFMAN, ESQ.

Court Reporter: Stacy A. Mace, RMR, CRR
Official Court Reporter
E-mail: SMaceRPR@gmail.com

Proceedings recorded by computerized stenography. Transcript
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(In open court.)

THE COURTROOM DEPUTY: We are on this morning for a
sentence. This is United States versus Odebrecht, Docket
Number 16-CRIM-643.

Can I ask the attorneys, please, to note their
appearance, beginning with counsel for government?

MR. O'NEIL: Julia Nestor for the United States.
And with me is David Last from the Fraud Section of DOJ.

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1 And at counsel's table with us is Alixandra Smith
2 from the U.S. Attorney's office, as well as Chris Cestaro from
3 DOJ Fraud.

4 MR. LAST: Good morning, Your Honor.

5 THE COURT: Good morning.

6 MR. BURCK: Good morning, Your Honor.

7 William Burck from Quinn Emanuel for the defendant,
8 Odebrecht. With me is Adriano Juca, an attorney from
9 Odebrecht. And with me at counsel's table is Richard Smith,
10 Eric Lyttle, and Dan Koffman, all of Quinn Emanuel, all for
11 Odebrecht.

12 THE COURT: Gentlemen, good morning.

13 I guess you are ready to proceed?

14 MR. BURCK: Yes, Your Honor.

15 MR. LAST: Yes, Your Honor.

16 THE COURT: I know we addressed the question of the
17 corporate authorization at the time of the plea, is that broad
18 enough in a technical sense to include today's proceedings as
19 well?

20 MR. LAST: Yes, Your Honor.

21 MR. BURCK: Yes, Your Honor, we agree.

22 THE COURT: All right, then. Well, based upon the
23 information presented to the Court, including the
24 correspondence from the United States Attorney; as well as the
25 Information, itself; the plea agreement and the attachments

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1 thereto, I am prepared to abide by the parties' agreement and
2 impose the sentence as contemplated in that agreement.

3 Anything you would like to say initially?

4 MR. LAST: No, Your Honor.

5 MR. BURCK: Not for the defendant, Your Honor.

6 THE COURT: Nothing to say, okay.

7 Anything you would like to say, sir?

8 MR. JUCA: No, Your Honor. Thank you.

9 THE COURT: All right, let me say I am not used to
10 working in these numbers, so let me make sure I have it and
11 the corporate rep is going to plea to the one count
12 Information. Oh, I did have some questions.

13 The verification of the representations has been
14 completed?

15 MR. LAST: Yes, Your Honor.

16 THE COURT: Okay. And the monitor, where do we
17 stand on that?

18 MR. LAST: So the monitor has been selected and
19 retained. The monitor has already started performing on the
20 monitorship, and that is in process and we'll ask for
21 three years, Your Honor.

22 THE COURT: And the enforcement of these provisions
23 is, essentially, contractual, correct? I do not need to
24 impose probation or anything of that sort?

25 MR. LAST: Correct, Your Honor. It's contractual

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1 under the plea agreement.

2 THE COURT: On the corporation's plea to the
3 one-count Information I impose, pursuant to 11(c)(1)(C), a
4 total fine, bear with me -- is it 2,600,000,000?

5 MR. LAST: Yes, Your Honor.

6 THE COURT: That is the total fine. Paid as follows
7 to the United States Treasury pursuant to the terms of the
8 agreement, the sum of \$93,000,000. Payment to Brazil pursuant
9 to paragraph 21(d) of the plea agreement in the sum of
10 \$2,391,000,000. The payment to Switzerland pursuant, again,
11 to 21(d) of the plea agreement, the sum of \$116,000,000.

12 Required as part of the sentence and consistent with
13 the parties' agreement is the retention of an independent
14 compliance monitor; again, pursuant to paragraphs 30 through
15 32 of the plea agreement.

16 There is a special assessment of \$400. There are no
17 outstanding charges.

18 Any other matters?

19 MR. LAST: No, Your Honor, not for the Government.

20 THE COURT: Gentlemen?

21 MR. BURCK: Not for the defense, Your Honor.

22 THE COURT: Thank you very much.

23 MR. BURCK: Thank you.

24 MR. LAST: Thank you, Your Honor.

25 THE COURT: Is there a right to appeal in the

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1 agreement?

2 Does the agreement address that? I do not think I
3 saw it.

4 MR. LAST: It's waived as part of the agreement,
5 Your Honor.

6 THE COURT: Oh, it is; okay.

7 MR. BURCK: Yes, Your Honor, it's waived.

8 THE COURT: Then I missed it. Fair enough. Thank
9 you all.

10 MR. LAST: Thank you, Your Honor, have a good day.

11 MR. BURCK: Thank you, Your Honor.

12 (Matter adjourned.)

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18 I certify that the foregoing is a correct transcript from the
19 record of proceedings in the above-entitled matter.

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/s/ Stacy A. Mace

April 19, 2017

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STACY A. MACE

DATE

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